



Miami-Dade County
Department of Planning and Zoning

Hearing History

Hearing #: Z2006000037

STR: 06-57-39

Aplicant: JULIO C. MOLINA

YEAR	APPLICANT	REQUEST	RESOLUTION	BOARD	DECISION
1997	Clutilder Dacosta	U.U. to permit a home for the aged. N.U.V. of park'g reg. to permit a 13' wide 2 way drive-way (20' minimum reqd.). N.U.V. of zon'g reg. requir'g an int. R/W to be 50' to waive same to permit 0' (25' reqd.) on the South side of SW 290th. St.	5ZAB20197	ZAB	APPROVED IN PART WITH CONDITIONS

RESOLUTION NO. 5-ZAB-201-97

WHEREAS, CLUTILDER DACOSTA had applied for the following:

- (1) **UNUSUAL USE** to permit a home for the aged.
- (2) **NON-USE VARIANCE OF PARKING REGULATIONS** to permit a 13' wide two--way drive-way (20' minimum required).
- (3) **NON-USE VARIANCE OF ZONING REGULATIONS** requiring an interior right-of-way to be 50'; to waive same to permit 0' (25' required) on the south side of S.W. 290th Street.

Plans are on file and may be examined in the Zoning Department entitled "Assisted Living Facility," as prepared by Taxis, Inc., consisting of two sheets dated October 31, 1996. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north ½ of Tract "A", THE SECOND AMENDED PLAT OF A PORTION OF PORVENIR NO. 4, Plat book 43, Page 17.

LOCATION: 29100 S.W. 172 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the non-use variance of parking regulations (Item #2), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use (Item #1) and the non-use variance of zoning regulations (Item #3) as it pertains to the unusual use would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure

Ordinance, and that the request to withdraw the non-use variance of parking regulations (Item #2) should be granted, and

WHEREAS, a motion to approve the unusual use (Item #1) and the non-use variance of zoning regulations (Item #3) as it pertains to the unusual use, and to grant the request to withdraw the balance of the application was offered by Colleen Griffin, seconded by Karen Esty, and upon a poll of the members present, the vote was as follows:

Frank Colunga	aye	Colleen Griffin	aye
Marcia Cummings-Grayson	absent	Barbara Hardemon	absent
Spencer Eig	aye	Eduardo LaCasa	aye
Karen Esty	aye	Dean Oddy	aye
Gerri J. Fontanella	aye	June Stevens	aye

Wilfredo Calvino, Jr. aye

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use (Item #1) and the non-use variance of zoning regulations (Item #3) as it pertains to the unusual use be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Assisted Living Facility," as prepared by Taxis, Inc., consisting of two sheets dated October 31, 1996.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the use be approved for and be restricted to a maximum of 16 clients.

6. That the use be made to conform to the requirements and/or recommendations of the Dade County Fire Department, Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services.
7. That the applicant obtain a Certificate of Use and Occupancy from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That substance abuse and psychiatric patients of any type be prohibited on the premises.
9. That the operator of the facility must be the owner of the property and permanently reside on the property.
10. That a maximum of two (2) persons shall be permitted in each bed room.
11. Should the home for the aged cease then the non-use variance of zoning regulations (Item #3) shall also cease.

BE IT FURTHER RESOLVED that the request to withdraw the non-use variance of parking regulations (Item #2) be and the same is hereby granted and said Item is withdrawn without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Dade County Department of Planning, Development and Regulation and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 18th day of June, 1997.

Hearing No. 97-6-23
xg